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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the 419th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 September 2018, at 3 p.m.

Chair: Ms. Degener

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of the Philippines (CRPD/C/PHL/1; CRPD/C/PHL/Q/1 and CRPD/C/PHL/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the Philippines took places at the Committee table.*

2. **Ms. Orogo** (Philippines), introducing the members of her country's delegation, which was composed of a large number of senior officials, said that the decision by the Philippines to become a party to the Convention in 2008 had been an affirmation of its existing legislation and of the programmes and mechanisms already in place to address disability-related issues. Prior to accession to the Convention, language had been included in the 1987 Constitution and in a range of other legal instruments and policies to address the needs of persons with disabilities in the Philippines, raise awareness of their rights and provide for actions such as the reorganization and strengthening of institutions, including what was now known as National Council on Disability Affairs.

3. The Philippines had introduced the law known as the Magna Carta for Persons with Disabilities in 1992 to build on the Accessibility Law of 1982, a piece of legislation designed to address barriers to mobility for persons with disabilities in the built environment and infrastructure.

4. Following accession to the Convention, the Government had shifted its focus from a medical approach to disability-related issues to a rights-based approach intended to address the obstacles and inequalities faced by persons with disabilities. As a consequence of that paradigm shift, persons with disabilities had been put in a position where they were able to exercise and enjoy their inalienable rights to, among other things, education, work, employment, leisure and sports, and the Government had begun to empower them as rights-holders through comprehensive programmes and strategies. The Magna Carta for Persons with Disabilities had been amended on many occasions to respond to evolving needs, including the need to tackle disability-based discrimination and verbal and non-verbal ridicule and vilification of persons with disabilities, as well as to provide for the granting of discounts on goods and services and the full and effective participation of persons with disabilities in all areas of development. A further significant amendment had been the establishment, in 2010, of Persons with Disability Affairs offices across the country to allow for the participation of persons with disabilities in local government affairs.

5. In 2012, a law had been adopted to promote access to polling stations for persons with disabilities and a definition of disability had been included in the text focusing on the experiences of persons with disabilities in negotiating various obstacles to participation in political life. The Government's approach to development work in that area was based on the twin slogans "Nothing about us without us!" and "No-one shall be left behind, including persons with disabilities".

6. Efforts had been made to reinforce the Accessibility Law in order to address those physical, communications and technological barriers that deprived persons with disabilities of access to government programmes and services and of the opportunity for meaningful participation in the development of society. In 2016, a law had been enacted to grant persons with disabilities further discounts on products and services, exemptions from value added tax and the right to social insurance, educational assistance, special discounts on prime commodities and basic necessities and priority service in commercial establishments. The Mental Health Act, signed by President Rodrigo Roa Duterte in 2018, provided for State support for persons with mental health conditions, including conditions that were the result of drug addiction, and for the full participation of such persons in work and society. The Act was designed to promote mental health education in schools and workplaces, access to mental health services, improvements to mental health-care facilities and the expansion of health insurance coverage to include psychiatric consultations, medicines and the costs of hospital confinement.

7. Under the Philippine Development Plan 2017–2022, ongoing efforts would be made to raise awareness of the Convention and advocate for the protection, promotion and realization of the rights of persons with disabilities. The ratification of the Convention had furthermore raised awareness of the need for consultation and dialogue with persons with disabilities. Events such as the National Disability Summit, the Public Health Convention on Health and Wellness for Persons with Disabilities and the Local Government Units Convention on Disability Inclusive Development in Governance had been organized to foster such dialogue.

8. Disability rights were being mainstreamed into initiatives and campaigns to increase access to health programmes, including sexual and reproductive health programmes, and to education, employment, justice, the built environment and infrastructure, and political life. Although a great deal had been done to improve the lives of the estimated 1.6 million persons with disabilities living in the Philippines, more remained to be done to supply national and local government mechanisms with the necessary resources to ensure the rights of persons with disabilities and to advocate for inclusive governance. Work to tailor national legislation, policies and programmes to meet the needs of persons with disabilities would continue, in line with a rights-based approach to disability and with President Rodrigo Roa Duterte's calls to improve the welfare of all persons throughout the country.

9. **Mr. Kim** Hyung Shik (Country Rapporteur) said that he was impressed with the size and level of the delegation of the Philippines, which reflected the State party's commitment to the implementation of the Convention. The Committee recognized the efforts made by the State party to align its legislation with the Convention and the contribution of various organizations of persons with disabilities to the reporting process. It would be interesting to hear what was being done to harmonize key legislation with the Convention and what results had been achieved through the implementation of the Magna Carta for Persons with Disabilities. A number of civil society organizations had highlighted the fact that the definition of persons with disabilities contained in the Magna Carta had not been updated since the adoption of that instrument. Although the State party report contained information on a range of initiatives, it was unclear whether the policy objectives underpinning those initiatives were short, medium or long-term objectives.

Articles 1–10

10. **Mr. Pyaneandee** said that the State party was to be congratulated on the adoption of the Magna Carta. He asked what criteria had been set for disability certification and what model had been adopted in the light of the Magna Carta. Information on any laws that had been repealed or suspended because they contained provisions that discriminated against persons with disabilities would be welcome. Examples of cases in which the Supreme Court had ruled in favour of a person with disabilities in the interests of equality and non-discrimination would be useful. It would be interesting to hear details about the process for documenting complaints of disability-based discrimination, the remedies available and the prosecution of perpetrators. He asked whether any joint work had been carried out with organizations of persons with disabilities to disseminate the Committee's general comments and, if so, whether information was available on the outcome. Details of any recommendations made on that subject and of follow-up to recommendations would be welcome.

11. **Mr. Martin** asked whether the State party planned to remove deeply derogatory terms, such as "retarded", from the titles of its disability-related programmes, plans and policies.

12. **Mr. Ishikawa** said that information would be welcome on State policies, programmes and budgetary allocations to ensure that organizations of persons with disabilities, in particular deaf-blind persons, persons with intellectual disabilities, persons with autism and persons with severe disabilities, could participate in a meaningful way in the planning and implementation of legislation and policies to ensure that effect was given to the Convention. He asked what specific measures had been taken in consultation with organizations of persons with disabilities to render public transport, including jeepney services, more accessible. It would be useful to have information on any plans, timelines or measures envisaged or taken to allow for the meaningful involvement of organizations of

persons with disabilities in the amendment of the Accessibility Law and the development or adoption of accessibility standards. Lastly, had any progress been made regarding State policies and programmes on the procurement of assistive technologies and devices, personal assistance and the provision of accessible learning and teaching materials at the national and local levels?

13. **Mr. Tatić** asked how the Magna Carta was implemented in practice in cases where an entity failed to act on a notice of compliance sent by the National Council on Disability Affairs, as outlined in paragraph 20 of the replies to the list of issues (CRPD/C/PHL/Q/1/Add.1). Data on the number of administrative and criminal cases of disability-based discrimination would be welcome, as would up-to-date figures on the number of buildings that were accessible and the number that were not. To what degree were automatic teller machines accessible for blind users in the State party?

14. **The Chair** said that she wished to know whether organizations of persons with disabilities had played a role in designing the disability assessment system; whether the system reflected the human rights model of disability; and whether persons with disabilities were actively involved in generating the information on the basis of which assessments were made. It would also be useful to learn whether steps had been taken to ensure that only one assessment method was used, thereby reducing the burden on applicants and promoting consistency and transparency in decision-making; whether information on assessment requirements was accessible and user-friendly; and whether disability assessment processes were regularly and independently reviewed and scrutinized.

15. She would appreciate data on sexual violence against women and girls with disabilities and information on the efforts made to combat such violence. On a separate point, it would be helpful if the delegation could comment on the State party's decision to include information on the primary prevention of impairment in its report, as such activities did not constitute a means of implementation of the Convention.

16. **Mr. Langvad** asked what strategies had been adopted to ensure that persons with disabilities were able to influence legislation, policies and programmes that would affect them and what campaigns had been organized to raise public awareness of the rights of persons with disabilities.

17. **Mr. Basharu** said that he wished to know whether there were any plans to amend the Anti-Sexual Harassment Act of 1995 and the Anti-Violence against Women and their Children Act of 2004 with a view to incorporating a disability perspective. In addition, it would be useful to learn whether children with disabilities, including children in a street situation, were included in national life, what weight was given to their views in national assemblies and what measures had been taken to ensure their inclusion in mainstream schools. Lastly, he wondered whether the State party planned to revise its terminology for describing persons with disabilities, as the titles of some of its recent initiatives, for example Retarded Children's Week and Brain Attack Awareness Week, seemed contrary to the spirit of the Convention, and planned to provide a role for persons with disabilities in the design of awareness-raising programmes with a view to portraying persons with disabilities in a positive light.

18. **Mr. Chaker** said it was regrettable that children and young persons with disabilities, in particular developmental disabilities, had lost their lives in natural disasters and armed conflicts in the State party in recent years and that abortion remained a criminal offence. In that context, what efforts were being made by the Government to protect the right to life of persons with disabilities?

19. **Mr. Buntan** said that he wished to know whether the State party planned to reconsider its decision not to ratify the Optional Protocol, which offered persons with disabilities who had exhausted all domestic remedies a means of seeking redress for violations of their rights under the Convention, and, if so, when it planned to ratify that instrument. Citing the slogan "Nothing about us without us", he asked what measures would be taken to facilitate the active and substantive participation of all organizations of persons with disabilities, including regional-level organizations, in the revision of relevant laws and policies and thereby ensure that the concerns of persons with disabilities were adequately addressed.

20. **Mr. Kim** Hyung Shik said that it was unclear whether the State party had a national action plan to implement the Convention. He wondered whether the Government, the national human rights institution and the National Council on Disability Affairs worked in close collaboration with organizations of persons with disabilities, whether such organizations received sufficient financial support and whether they were regularly invited to participate in consultations. He would appreciate more information on the training organized to raise awareness of the State party's obligations under the Convention among public servants, including Supreme Court judges, politicians, law enforcement officials and teachers.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

21. **Mr. Lee** (Philippines) said that the Magna Carta for Persons with Disabilities of 1992 was based on a definition informed by both the medical and social models of disability. The conception of disability embodied in the Convention had been incorporated into national legislation, and the focus of current legislative efforts was to place greater emphasis on the interactions between persons with disabilities and the attitudinal and physical environment.

22. Various disability assessment systems were in place in the Philippines, including systems specific to the education and medical sectors. Through a partnership with the World Health Organization, the Government was working to introduce a new system based on the International Classification of Functioning, Disability and Health. That process was expected to reach its completion in the near future.

23. With regard to the employment of persons with disabilities, the quota of 5 per cent established under the Magna Carta for Persons with Disabilities, which had applied only to emergency and contractual workers in the public sector, had recently been abolished. A new quota of 1 per cent had been introduced to cover all contract types, and private sector companies were being encouraged to adopt the same quota system.

24. Organizations of persons with disabilities were represented on the board of the National Council on Disability Affairs and on its various national and regional subcommittees. The focus of current engagement efforts was to increase the representation of persons with disabilities at the local government level.

25. **Ms. Jalosjos** (Philippines) said that, under Memorandum Circular 2017-119, the Department of Interior and Local Government had mandated the establishment of special offices for disability affairs or, in municipalities belonging to lower income classes, the appointment of local disability focal points. Such offices made services more accessible to persons with disabilities and worked to promote change, end poverty, ensure inclusive education and promote sustainable economic growth. According to a recent study, 60 per cent of local government units had established such an office.

26. Disability-specific indicators had been incorporated into the Seal of Good Local Governance Programme. Local governments were now assessed on the basis of criteria such as whether they had established a special office for disability affairs and whether they had made provision for accessibility features in local public infrastructure.

27. **Mr. Ong** (Philippines) said that the possibility of ratifying the Optional Protocol to the Convention remained under review. Pending the outcome of that process, the Committee could rest assured that the effective and accessible domestic remedies currently available to persons with disabilities were continuously being strengthened and that the legislation that protected the rights of such persons, including the Magna Carta for Persons with Disabilities and the Accessibility Act, was being fully implemented.

28. **Ms. Daytec-Vañgot** (Philippines) said that, in a decision of 2017, the Supreme Court of the Philippines had held that the mandatory 20 per cent discount applicable to medical products purchased by persons with disabilities was constitutional and represented a legitimate exercise of police power. Companies could offset the cost of applying the discount against their tax liability. The Court had reasoned that, as the State was obliged to give full support to the improvement of the total well-being of persons with disabilities and their integration into the mainstream of society, special privileges could be granted to them, "if only to balance the playing field which had been unduly tilted against them because of

their limitations". In an earlier decision, the Court had held that deaf persons were competent to participate as witnesses in court proceedings.

29. **Mr. Lee** (Philippines) said that, if a person alleged to have infringed the Magna Carta for Persons with Disabilities had not ceased and desisted after three written warnings, the competent government agency, for example the Department of Public Works and Highways in the case of an infringement of a provision governing the accessibility of the physical environment, would be instructed to conduct an investigation. Either administrative or criminal proceedings could be instituted in response to the findings. The Public Attorney's Office under the Department of Justice had drawn up a report detailing the number of persons with disabilities who had received assistance in accessing justice.

30. **Ms. Brigola** (Philippines) said that sex-disaggregated data were collected on sexual violence and abuse. The collection of centralized and consolidated data disaggregated by both sex and disability remained a challenge. Nevertheless, efforts were being made to improve the process for the collection of demographic and socioeconomic data on disability.

31. There were various measures in place to combat sexual violence and abuse against women with disabilities. Disability was recognized as a cross-cutting concern in the Magna Carta of Women, which mandated the authorities to address abuse against women with disabilities in all its forms and to support victims. Rape victims, including those with disabilities, were entitled to assistance under the Rape Victim Assistance and Protection Act. Standards on the proper handling of violence against women with disabilities had been incorporated into the performance standards for prosecutors.

32. The Inter-Agency Council on Violence Against Women and Their Children had developed a new strategy plan which prioritized the prevention of intersecting forms of gender-based violence, including sexual violence and abuse against women with disabilities. In response to concerns expressed by stakeholders during a recent consultation, a new national advocacy and communication plan had been drawn up for women belonging to marginalized and vulnerable groups.

33. Steps had been taken to improve access to justice for women with disabilities and ensure that they did not experience direct or indirect discrimination in their interactions with the justice system, particularly in cases of sexual violence or abuse. Disability awareness training was gradually being introduced for civil servants, who already regularly underwent gender sensitivity training. In addition, it had been decided that disability sensitivity training should be incorporated into the human resource development programme of the Department of Justice.

34. The competent division of the Philippine National Police had incorporated disability awareness and sensitivity training into the modules available to officers serving on local-level women and children's desks. Law enforcement personnel could also access such training through the National Council on Disability Affairs. The Department of Social Welfare and Development operated crisis centres for rape victims, including victims who were women with disabilities, and refuges for women and children in difficult circumstances. Efforts were continuously being made to ensure that social welfare agencies providing direct services to vulnerable individuals, including women with disabilities, were duly registered, licensed and accredited.

35. The Government was open to the possibility of amending the Anti-Sexual Harassment Act of 1995, the Anti-Violence against Women and their Children Act of 2004 and other laws on gender-based violence in order to ensure their compliance with United Nations treaties, including the Convention and the Convention on the Elimination of All Forms of Discrimination against Women. In fact, the Philippine Commission on Women had included the amendment of the Anti-Sexual Harassment Act on its priority legislative agenda for the seventeenth congress. Representatives of persons with disabilities, in particular women with disabilities, were regularly invited to participate in government consultations and meetings.

36. **Mr. Mateo** (Philippines) said that, in accordance with the Enhanced Basic Education Act of 2013, the Department of Education took action to promote and protect the

right of all children to quality basic education and to a child-friendly, gender-sensitive and safe learning environment. The Department continued to implement special education programmes in order to equip children with disabilities with the skills needed to become self-directed, self-reliant and self-sufficient learners who were accepted and valued as active contributors to society.

37. The Government had adopted the Special Education Programme to support the implementation of the Magna Carta for Persons with Disabilities and the actions set out in the 1994 Salamanca Statement and Framework for Action on Special Needs Education, to which the Philippines was a signatory. In addition to promoting access to mainstream schools for children with disabilities, the Programme provided for various alternative forms of education such as special day schools and home-based instruction. The Government had also conducted various national awareness-raising and advocacy campaigns to increase the number of children with disabilities in full-time education. Order No. 72 of 2009 on inclusive education as a strategy for increasing the participation rate of children had been introduced to further strengthen the national rights-based approach to education.

38. **Mr. Lee** (Philippines) said that the Government had taken steps to repeal the legislation establishing Retarded Children's Week and Brain Attack Awareness Week. It had also ensured the active participation of organizations of persons with disabilities in national disability awareness-raising weeks. For example, the Autism Society of the Philippines had assumed a lead role in organizing events for Autism Consciousness Week which was held every January.

39. **Mr. Mateo** (Philippines) said that the Department of Education had organized several training sessions on inclusive and special education for school administrators, supervisors and teachers. It had also set up a training scholarship programme for special education teachers, including those wishing to teach children with autism. A train-the-trainer programme on the Special Education Programme and the concept of inclusive education had also been established.

40. **Ms. Jalosjos** (Philippines) said that local government authorities played a crucial role in initiatives to empower persons with disabilities and facilitate their inclusion in society. Newly elected public officials attended special training courses on the Convention which enabled them to understand the needs of persons with disabilities and take account of disability requirements in their respective policy areas.

41. **Mr. Ong** (Philippines) said that the Government was in the process of finalizing the draft of the third National Human Rights Action Plan. The draft plan took into account the provisions of all the international human rights treaties to which the Philippines was a State party, including the Convention on the Rights of Persons with Disabilities. The National Council on Disability Affairs had involved organizations of persons with disabilities in the formulation of the plan. They had cited accessibility, employment, access to justice, health care, assistive technologies and disability inclusive policies as priority areas. Once adopted, the action plan would provide an overarching human rights framework for persons with disabilities and ensure that national policymaking decisions reflected and addressed disability issues.

42. Regarding the structure of the report, the Government had considered it relevant to include disability prevention measures in recognition of the difficulties facing persons with disabilities and out of a desire to spare others from suffering in the same manner. It had nevertheless noted the Committee's concerns regarding the references to prevention and would refrain from mentioning it in future reports.

43. **Ms. Robinson** (Philippines) said that the Omnibus Franchising Guidelines set out the mandatory accessibility features for public utility vehicles and stipulated that bus manufacturers and transport service providers must make reasonable accommodation for persons with disabilities. The Department of Transportation and Communication held ongoing consultations with stakeholders in the transport sector to ensure compliance with the Guidelines and had introduced minimum accessibility design standards for major public transport infrastructure projects.

44. **Mr. Lee** (Philippines) said that the Government had met with officials from the Central Bank of the Philippines to discuss the introduction of accessible automated teller machines and would pursue consultations on the matter. Similarly, it had promoted the participation of organizations of persons with disabilities in national and local transport and town planning discussions in order to better understand and address their accessibility concerns.

45. **Mr. Mateo** (Philippines) said that the Government had allocated 1.85 million Philippine pesos (Pts) for the purchase of textbooks and other instructional materials in accessible formats for children with special educational needs and had included a separate budget line for that work in the 2018 General Appropriations Act. The Department of Education had started to develop instructional materials in Braille and large print and had devised distance learning courses for children with special educational needs who were unable to attend school. Assistive technologies had also been made available to schoolchildren with disabilities as needed.

46. **Ms. Cabotaje** (Philippines) said that the revised Penal Code defined abortion as an offence. The Government upheld the right to health of persons with disabilities and respected the health of mothers and their children.

47. **Mr. Ong** (Philippines) said that the Government had made concerted efforts to safeguard the lives of young persons with disabilities in the event of armed conflict or natural disasters and had established a natural disaster prevention and mitigation fund to actively tackle the issue.

48. **Mr. Domingo** (Philippines) said that the Government had allocated Pts 320 million for the construction of accessible facilities for persons with disabilities in 2017. It also conducted regular inspections of public and private buildings to ensure that they met national accessibility standards. Given the high construction rate in the country, it was not possible to give an exact figure as to the number of buildings accessible to persons with disabilities. However, the figure had increased significantly following the adoption of the Accessibility Law.

49. **Ms. Daytec-Yañgot** (Philippines), responding to questions on the legal remedies available to persons with disabilities facing discrimination, said that all persons, including persons with disabilities, had the right to bring a case of discrimination before the courts. The Supreme Court had recently heard a case brought by several drug companies in which it had upheld the constitutionality of the mandatory 20 per cent discount on the purchase of medicines by persons with disabilities. To strengthen the remedies available to persons with disabilities facing discrimination, the Government had set up the Department of Justice Action Centre tasked with registering cases of disability-based discrimination and providing legal advice and mediation services to victims. Since 2016, the Centre had received some 48 cases of disability-based discrimination and had referred many of those cases for mediation or to the relevant government agency for advice.

50. **Ms. Cabotaje** (Philippines) said that the Government had adopted measures to improve access to health care for persons with disabilities. The introduction of a 20 per cent discount on medicines for persons with disabilities was one notable example. Action had also been taken to offer comprehensive health and rehabilitation benefit packages for children with disabilities so that they could have access to the medical treatment and support services that they needed. Legislation providing for statutory health insurance benefits for persons with disabilities had recently been brought before parliament. With regard to medical facilities, the Department of Health had included accessibility requirements in licensing conditions for hospitals and had drafted minimum design standards for health centres with a view to making them accessible for persons with disabilities.

51. **Mr. Mateo** (Philippines) said that the Department of Education, in cooperation with disability stakeholder representatives, had convened an advisory council for the education of children and young persons with disabilities in 2011. It had also issued a child protection education policy in 2010 prohibiting discrimination on the basis of disability and requiring schools to consider the best interests of the child in all decisions and actions that affected them. Child protection committees had been established in all public and private primary

and secondary schools. The first National Child Protection Summit had been held in August 2018, in partnership with UNICEF, to identify strategies capable of strengthening child protection arrangements within schools.

52. **Mr. Ong** (Philippines) said that the third Comprehensive Programme on Child Protection addressed the barriers facing children with disabilities and provided for the mainstreaming of disability across all relevant policymaking areas. The Council for the Welfare of Children had been tasked with implementing the Programme and addressing any gaps in legislation. The Government was currently drafting a national strategic plan to increase awareness of statutory benefits for children with disabilities, simplify child disability assessment procedures, promote the participation of children with disabilities in community life and guarantee the availability of inclusive and comprehensive public services for children with disabilities. The Children's Emergency Relief and Protection Act had been adopted to protect children with disabilities before, during and after national disasters or emergencies.

Articles 11–20

53. **Mr. Buntan** asked whether blind persons in the Philippines could open a bank account without a co-signatory. If not, what steps did the State party intend to take to ensure they could manage their own finances independently? He would be glad to know whether persons with intellectual and/or psychosocial disabilities had the legal capacity to buy, own, sell and inherit property. Would persons with psychosocial disabilities who had committed crimes be able to stand trial and receive necessary support such as reasonable accommodation during legal proceedings? Noting reports received of abuse and exploitation of children with disabilities, especially in street begging, he asked what measures the State party had taken to protect those children and whether it had considered reviewing the practice of placing children with disabilities in institutions rather than offering them care and support in the community. He would welcome information as to whether the forthcoming disability support fund would be used to enhance community-based services and hire personal assistants to allow persons with disabilities to live independently in the community.

54. Referring to reports that a legal and administrative restructuring plan had led to the country's Braille printing house being merged into the Department of Education, which did not cover technical or higher education, he said that he wished to know how the State party would ensure the quality of Braille and other accessible textbooks for technical and higher education. Lastly, he wondered what steps the Government had taken to meet the requirements set out in the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

55. **Mr. Ruskus** asked whether the State party had taken any steps to abolish: the provisions of the Civil Code, the Family Code and other legislation that denied persons with disabilities their legal capacity and allowed for substituted decision-making; the provisions of the recently adopted Mental Health Act that meant that persons with disabilities could be institutionalized involuntarily and constrained without their informed consent; and the provisions of the Child and Youth Welfare Code that allowed children with disabilities to be placed under guardianship and institutionalized involuntarily. He wondered whether the Government would introduce provisions to offer recovery-oriented rehabilitation services for persons with psychosocial disabilities in the community.

56. Referring to reports of persons with disabilities being forced to beg on the streets and being exploited by criminal gangs and to reports of a large number of documented cases of violence against persons with disabilities, he said that he wished to know whether the State party systematically monitored cases of exploitation, violence and abuse against persons with disabilities and what preventive measures it took to tackle the problem. He would appreciate information on the measures in place to protect women with disabilities from involuntary sterilization, a practice that reportedly still occurred in the country.

57. **Mr. Alsaif** asked to what extent persons with disabilities and their representative organizations were involved in implementing and monitoring disaster risk reduction strategies and policies. He said he would welcome more information on procedural

accommodation and accessibility measures in place to facilitate the participation of persons with disabilities in legal proceedings. He would also appreciate further details and statistics concerning complaints of violations of the rights of persons with disabilities. Lastly, he wished to know whether the Government had conducted any campaigns to raise awareness of the concept of independent living.

58. **Mr. Martin**, referring to his earlier question, asked whether the Government planned to remove the word "retarded" from the Filipino dictionary. He wished to know when and how the State party would bring its legislation into line with article 12 of the Convention by abolishing the system of guardianship and substitute decision-making. In addition, he asked what steps the State party was taking to ensure that all persons with disabilities, including those with intellectual disabilities, could live independently in the community and he urged the State party to close down the institutions in which those persons were placed.

59. **Mr. Babu** said that he wished to know what impact the government directive on providing legal assistance to persons with disabilities had had in terms of increasing access to justice for them. How many cases of persons with disabilities had been successfully handled by the Justice Department as a result of the directive, and was the directive applied nationwide? He would appreciate more information on the "stringent procedural and substantive requirements" mentioned in paragraph 87 of the State party's initial report (CRPD/C/PHL/1) and on the number of persons with disabilities who had benefited from those requirements. He wished to know what specific legislation, policies and road maps the Government had put in place for the implementation of article 19 of the Convention.

60. **Mr. Langvad** urged the State party to avoid using language stating that persons with disabilities "suffered" from their impairment. Noting that the Committee on Economic, Social and Cultural Rights had called on the State party to review its laws on disability, expand the provision of reasonable accommodation and supply personal assistance services to persons with disabilities, he asked whether the State party still considered it reasonable for persons with disabilities to be forced to live with their families, as was common practice in the Philippines, rather than having the opportunity to live independently in the community.

61. **Mr. Kabue**, expressing concern about the statement that no cases of discrimination against persons with disabilities had been reported in the State party, asked whether cases were in fact not reported because persons with disabilities faced difficulties in accessing justice. He said that he wished to know what processes had been established to enable persons with disabilities to file discrimination-related complaints. He said that the definition of "children" contained in the Philippines law on special protection of children from abuse, exploitation and discrimination placed persons with disabilities in the same category as children and he asked whether that did not in effect deny such persons the right to live independently in the community and to exercise their legal capacity. On a related topic, he said that he wished to know what policy the Government had developed to provide assistive devices to persons with disabilities so that they could live independently in the community.

62. **Mr. Ishikawa** asked whether the State party intended to extend the accessibility guidelines for city buses to other forms of public transport. He reiterated his earlier question concerning the production of inaccessible jeepneys.

63. **The Chair** said that the issue of preventing impairment by preventing road-traffic and work-related accidents and malnutrition was properly a matter for the Committee on Economic, Social and Cultural Rights and not the Committee on the Rights of Persons with Disabilities. She asked whether the Government had taken action on the recommendations issued by the Committee on the Elimination of Discrimination against Women following the inquiry concerning the Philippines under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

64. **Mr. Chaker** drew the State party's attention to the case of a teacher who had abused and assaulted at least 20 deaf children in a State-run school; the only action taken had been to transfer the teacher to another school for deaf children. He asked whether the teacher should not instead have been banned from teaching so as to set an example to others.

65. **Mr. Basharu** asked what actions had been taken by the State party to provide protection, safety and security to refugees with disabilities and ensure that they were given information on their rights in accessible formats. He said that he wished to know whether the Government would consider amending the Immigration Act of 1940, which excluded persons with mental impairments from entering the country. He would also welcome information on the measures taken to help persons with disabilities to acquire their own mobility and assistive devices. Were there any tax breaks or duty waivers for purchases of adapted vehicles, and was any training on the use of assistive devices provided for persons with disabilities?

66. **Mr. Kim** Hyung Shik asked how often disability support indicators were monitored and what the outcomes of monitoring had been. He said he would also appreciate further information about cases involving different types of discrimination, including direct and indirect discrimination and intersectional discrimination. Noting that, due to limited funding, just one State agency had responsibility for procuring equipment for persons with disabilities, he asked if the delegation could provide information about the implications for persons requiring assistive devices. Lastly, he urged the delegation to use the term "persons with disabilities" rather than the acronym "PWD" as a matter of respect.

The meeting rose at 5.50 p.m.

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the 420th meeting
Held at the Palais des Nations, Geneva, on Thursday, 13 September 2018, at 10 a.m.

Chair: Ms. Degener

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Philippines (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Philippines (*continued*) (CRPD/C/PHL/1, CRPD/C/PHL/Q/1 and CRPD/C/PHL/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the Philippines took places at the Committee table.*

Articles 11–20 (continued)

2. **Mr. Lee** (Philippines), responding to questions raised on article 11 on situations of risk and humanitarian emergencies, said that, as his country was particularly vulnerable to natural disasters such as typhoons, special action plans had been developed and a disability-inclusive disaster risk reduction and management manual had been produced in cooperation with Handicap International and other international agencies and organizations of persons with disabilities. The manual, which covered all stages from preparedness and mitigation to response and recovery, was used in training programmes of the Department of the Interior and Local Government and the National Disaster Risk Reduction and Management Council. Local Government Units were required to include organizations of persons with disabilities in local councils that dealt with disaster risk reduction and management.

3. **Ms. Bonagua** (Philippines) said that Local Government Units were being mandated to ensure that the concerns of persons with disabilities and other vulnerable sectors were fully taken into account in the planning, implementation and budgeting for disaster risk reduction programmes and policies. One quarter of the members of local development councils — the main planning bodies of Local Government Units — were representatives of vulnerable sectors. The Department of Budgeting and Management had updated its budget operations manual for local governments with an emphasis on participatory budgeting that included vulnerable sectors, such as persons with disabilities. The establishment of the Persons with Disabilities Affairs Office ensured that all local programmes and policies, including disaster risk reduction and management interventions, addressed the needs of persons with disabilities.

4. **Mr. Garcia** (Philippines) said that the Philippine Government and the United Nations Office for Disaster Risk Reduction had renewed their commitment to strengthening their partnership and to maintaining the momentum generated by the Sendai Framework for Disaster Risk Reduction. The Philippines was a strong supporter of "all-of-society engagement" and partnership in disaster risk reduction and the inclusion of vulnerable groups, such as persons with disabilities. A bill was before the House of Representatives on the establishment of a department of disaster resilience to recognize and respond to the needs of vulnerable groups. The Government had increased the budget for disaster resilience projects and programmes from US$ 295 million in 2013 to US$ 2 billion in 2016, with provision made for direct assistance to be offered to the most vulnerable municipalities through disaster risk financing and insurance schemes. The Government was committed to engaging with stakeholders to build community resilience through, for example, public-private partnerships that gave vulnerable communities access to resources to support risk reduction efforts.

5. The Government also continued to conduct intensive information and education campaigns and had mainstreamed disaster risk reduction in various sectors, including in the school curriculum. The Government and United Nations Office for Disaster Risk Reduction conducted training and workshops on disaster risk reduction. The Philippines had recently organized a regional workshop on disaster risk reduction that included specific elements for persons with disabilities. The Government was, furthermore, preparing to participate in the Global Platform for Disaster Risk Reduction in Geneva in 2019.

6. **Mr. Lee** (Philippines) said that it was true that several years previously there had been a case in which a blind person had been refused permission to open a bank account without a co-signatory, but that issue had now been resolved. Banking institutions now accepted certification from the National Council on Disability Affairs as proof of disability.

There was a bill before the House of Representatives on making all new automated teller machines (ATM) accessible to persons with visual impairments. The law on guardianship did not require that persons with disabilities should automatically be placed under guardianship; guardianship decisions were taken by the courts based solely on the criterion of necessity.

7. **Ms. Daytec-Yañgot** (Philippines) said that, under Philippine law, legal capacity was the capacity to be the subject of legal relations, was inherent in every human being and could never be lost. The capacity to act, however, was acquired, and could be limited or lost. Under the Civil Code, the fact of being deaf or having an intellectual or psychosocial disability constituted a limitation on the capacity to act and thus on the exercise of the right to vote. Equality before the law was a fundamental principle in Philippine law. However, equality was one issue and then there was equity, which demanded that unequal persons should be treated differently. Disability was therefore a ground for treating persons differently in order to achieve equity. Philippine laws, including those on guardianship, afforded persons with disabilities a high level of protection. By law, contracts entered into by persons with intellectual and psychosocial disabilities could be voided because of the possibility of vitiation of consent.

8. The Supreme Court had recently ruled that, since "insanity" was a condition of the mind, establishing the existence of the condition was not susceptible to the usual means of proof and often required opinion testimony, which could be given by a witness intimately acquainted with the individual concerned or by a qualified expert such as a psychiatrist. It was not easy to prove mental impairment. Psychosocial or intellectual disability limited a person's capacity to dispose of property. However, as there was a strong legal presumption in favour of soundness of mind, any person alleging another person's disability must prove it in court. The disability must be such that it incapacitated the sufferer from exercising self-agency. Any act of dispossession carried out on behalf of another on account of alleged disability was void or of no legal consequence without a court pronouncement establishing the presence of a psychosocial or intellectual disability.

9. Persons with intellectual or psychosocial disabilities were exempt from criminal responsibility; insanity was a defence. The last time the Supreme Court had acquitted a person with a psychosocial disability had been in 2016 in *Solomon Verdadero y Galera v. the People of the Philippines*. The revised Penal Code stipulated that a person who was proven insane would be confined to a designated hospital or asylum and would not be permitted to leave without the permission of a court. The measures taken to implement that provision would now have to be consistent with the recently adopted Mental Health Law, which anchored institutionalization measures in a human rights based approach. The Philippines was not inclined to move away from the protection-oriented thrust of its laws concerning persons with disabilities, as they were vulnerable to abuse and exploitation, but would seek to reconcile its approach with an empowerment-based orientation, consistent with the human rights-based approach of the Convention. The fact of having a psychosocial or intellectual disability did not negatively affect the right to marry; it merely gave a person with such a disability grounds for annulment.

10. **Mr. Ong** (Philippines) said that the general rule in the new Mental Health Law was very clear: informed consent was necessary prior to the administration of any treatment. Breaches of the rule carried a penalty of from 6 months to 2 years' imprisonment or a fine of the peso equivalent of US$ 3,600. Members of the medical profession and others with a similar legal status would only resort to the exceptions to the requirement of informed consent in special circumstances, such as in the event of loss of decision-making capacity or a psychiatric emergency, and only after very careful consideration. Even then, certain conditions must be met. There was an ongoing discussion of the Law's implementing regulations and there were plans to consult civil society organizations and persons with disabilities about them.

11. **Ms. Daytec-Yañgot** (Philippines), replying to questions on access to justice, said that the 33 assistance desks for persons with disabilities set up by the Public Attorney's Office nationwide had provided judicial and non-judicial services to a total of 27,644 individuals in the past four years. There were plans to increase the number of desks across the country. The Department of Justice and the Public Attorney's Office, in cooperation

with the National Council on Disability Affairs, had been conducting awareness workshops among prosecutors, judges and lawyers on the rights of persons with disabilities. All persons in the Philippines, including persons with disabilities, had access to all remedies provided for in judicial and quasi-judicial processes and could challenge discriminatory laws before the courts. In labour disputes, persons with disabilities could bring cases to the National Labour Relations Commission.

12. The delegation had taken good note of the Committee's remarks concerning the State party's legal lexicon, including the use of terms such as "mental retardation" and "imbecility". Such terms were found in laws enacted more than 50 years earlier and reflected the language considered acceptable at the time. However, language evolved and the State party would endeavour to expunge all such terms from its statute book and raise awareness of the importance of appropriate terminology among all relevant stakeholders. All new laws and policies used appropriate language consistent with international norms, including the Convention. The use of the acronym "pwd" to refer to persons with disabilities would also be avoided in future.

13. There was no policy of forced sterilization in the Philippines. In fact, under the revised Penal Code, it was a crime to mutilate the reproductive organs of another person. Forced sterilization was also a crime under the reproductive health law. There appeared to have been a misunderstanding in relation to the right to protection against torture. As set out in the Constitution, the right to protection against torture was related to custodial investigation of persons accused of committing a crime and not to the forms of torture covered by the Convention, such as forced institutionalization and involuntary treatment. However, under the Constitution, once the Philippines had ratified an international instrument, it became part of domestic law. The current definition of torture would be expanded to cover forms relevant to persons with disabilities.

14. **Ms. Villar** (Philippines) said that the Department of Social Welfare and Development had issued a circular intended to address the needs of children who could not be cared for by their own families, to promote community-based alternative family care and to reduce the chances of children being placed in residential care. The circular provided for a community-based foster care programme for children with disabilities whose families could not care for them temporarily and for adoption or legal guardianship arrangements for children whose reintegration into the family was no longer possible. It also stated that no new residential care facilities would be established by public or private agencies, unless in exceptional circumstances, and that the number of persons discharged from existing residential facilities should always exceed the number admitted. The implementing regulations of the Magna Carta for Persons with Disabilities stressed the importance of providing aftercare and follow-up services in the community for the continued rehabilitation of persons with disabilities discharged from residential care or rehabilitation centres. Social workers assisted in the reintegration of persons with disabilities into the family and community to help them become productive and self-reliant members of society.

15. **Ms. Bonagua** (Philippines) said that the country's law on the control and eradication of mendicancy had been enacted to promote social justice and protect the life, property and dignity of the citizens of the Philippines. As suggested by the law, giving alms to the needy was not the right way to help them. The problem of begging persisted, however. Persons with disabilities found begging or being used in begging were apprehended as neglected persons with disabilities and committed to the cost and care of the Department of Social Welfare and Development or any licensed placement agency. Alternatively, they were returned to their families.

16. **Mr. Mateo** (Philippines), responding to the question about the teacher who had abused 20 deaf primary schoolchildren, said that an initial complaint had been filed by the parents of five deaf boys and the teacher had been suspended for 90 days pending a preliminary investigation. A formal investigation committee had been set up and was due to submit its report for disposition of the case. Allegations against teachers were to be reported immediately to the offices of the Department of Education.

17. **Mr. Lee** (Philippines) said that government agencies did not currently collect specific statistics on violations of the integrity of persons with disabilities but efforts would be made to do so in future.

18. **Mr. Ong** (Philippines) said that he agreed that the word "retarded", when used to refer to persons with disabilities, should be removed from people's vocabularies. The members of the delegation had not encountered the word used in that context in any official government communication in recent years and nor was it used in the new Mental Health Act, which indicated that the term had fallen into disuse.

19. **Mr. Lee** (Philippines) said that the National Council on Disability Affairs had reviewed the terminology used in older laws and regulations and had begun work to harmonize it with the language of the Convention. The immigration law that prohibited the entry of refugees with a mental disability had been passed prior to the adoption of the Magna Carta for Persons with Disabilities and ratification of the Convention. A proposal to amend the relevant law was currently before Congress.

20. **Ms. Daytec-Yañgot** (Philippines) said that there was no record of any individual having been deported in the past 10 years on account of a disability. However, the Government acknowledged that a tolerant attitude or the non-application of the law did not equate to repealing it, and legislative efforts were therefore under way to modify the immigration law.

21. **Mr. Lee** (Philippines) said that the title of the Magna Carta for Persons with Disabilities — a law providing for rehabilitation, self-development and self-reliance of disabled persons and their integration into the mainstream of society — highlighted the importance attached to independent living and inclusion in the community. Among its basic principles, the Magna Carta specified that persons with disabilities were part of Philippine society and had the same rights as others to take their proper place in society, with the support of the family, the community and all government and non-governmental organizations. However, further efforts were required to achieve substantive equality in practice as well as formal equality in law. Great importance was attached to improving the accessibility of the physical environment, transportation and information and communications technology and providing reasonable accommodations to support the independence of persons with disabilities. The Department of Social Welfare and Development and the National Council on Disability Affairs had recently started providing funds to acquire assistive devices, and guidelines were being developed to ensure that the devices distributed were appropriate for the recipient's age and type of disability. The Government did not advocate a charity-based solution to the provision of assistive devices. Attention was also being paid to personal assistance services. The disability support fund being proposed to Congress would support the provision of support services in the community. All persons with disabilities, regardless of the type of disability, were entitled to the tax incentives provided for by law.

22. **Ms. Brigola** (Philippines) said that the Government had taken action to follow up on the recommendations of the Committee on the Elimination of Discrimination against Women and promote and protect the sexual and reproductive health rights of women, including women with disabilities. Such measures included the enactment of legislation on responsible parenthood and reproductive health, the expansion of the public health insurance system to cover the cost of modern contraceptive methods, capacity-building of public health providers in the area of family planning and processing of complaints against government health employees for cases of abuse or discrimination, including on account of disability. Age-appropriate education on sexual and reproductive health had also been incorporated into the school curriculum and there were education and awareness campaigns on the subject. Efforts were also being made to strengthen collaboration with civil society organizations and international development partners. Comprehensive information on the follow-up to the recommendations was contained in the mid-term report submitted to the Committee on the Elimination of Discrimination against Women in September 2018.

23. **Ms. Robinson** (Philippines) said that the guidelines under the Public Utility Vehicle Modernization Programme applied not only to city buses but also to other forms of public

transport, including jeepneys. Transport service providers would be given a transitional period to comply with the accessibility standards.

24. **Ms. Bonagua** (Philippines) said that an assessment of the disability support indicators used by Local Government Units was carried out annually.

Articles 21 to 33

25. **Mr. Chaker** said that he would be interested to know about the accessibility of recreational, leisure, sports and cultural facilities and events for persons with all types of disabilities and what kind of financial support athletes with disabilities, including deaf athletes, received to participate in international sporting competitions. He would welcome an update on the status of ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and the provision of accessible materials for learners with disabilities in basic, vocational and higher education. He would appreciate information on any policies and programmes for the procurement of assistive devices and personal assistance services.

26. **Mr. Martin** said that he would like to know whether the State party provided persons with intellectual and/or psychosocial disabilities with public information in Easy Read format. It would also be useful to hear about what was being done to improve health outcomes for persons with intellectual disabilities, especially those accommodated in institutions. Was information about health care available in accessible formats such as Braille, sign language and Easy Read?

27. **Mr. Basharu** said that the Committee would appreciate further information on the measures that had been taken to ensure that parents with disabilities and parents of children with disabilities could adequately perform their parental roles.

28. There appeared to be more emphasis on social education rather than inclusive education in the State party. It would therefore be useful to know what steps were being taken to ensure access to inclusive education for children with disabilities and to provide training on inclusive education for teachers.

29. Regrettably, as far as the participation of persons with disabilities was concerned, the State party's legislation on electoral process did not guarantee voting secrecy, the accessibility of polling stations or the availability of information in accessible formats such as Braille, sign language and Easy Read. He was therefore eager to learn what steps would be taken to improve the electoral process for persons with disabilities.

30. The Committee would also like to know what measures were being taken to designate focal points and an independent monitoring mechanism for matters relating to the implementation of the Convention, in accordance with article 33. How would the State party ensure the full inclusion, consultation and participation of persons with disabilities in the monitoring process?

31. **Mr. Lovászy** said that the Committee would welcome an explanation of how the State party ensured that assessment of the working capacity of persons with disabilities were conducted in line with the human rights model laid out in the Convention. What happened if a person wanted to challenge the outcome of an assessment? Could that person appeal for remedies? How much would such a procedure cost and how long would it take? It would also be useful to see statistics on the country's so-called reasonable accommodation services, broken down by the services offered to different groups of persons with disabilities.

32. In the context of the quota system, the Committee would like to know what sanctions and incentives were in place to encourage employers to take on persons with disabilities. What were the average sanctions imposed and compensations received? What institutional guarantees were in place to prevent bogus employment practices in relation to the quota system? It would also be helpful to know how many persons with disabilities worked in decision-making positions in the public sector and whether there was a road map for increasing the number of persons with disabilities in work. Lastly, the Committee would greatly appreciate further information on how the Government intended to address the issue of deaf people being unable to obtain a driving licence.

33. **Mr. Kabue** said that the Committee would be interested to know whether certified sign language training was provided in relevant institutions and whether mechanisms were in place to make sign language services available to deaf persons in those institutions.

34. The Committee would also welcome further information on the issue of children with disabilities from rural areas being sent to school in urban areas, so that they were separated from their families and the families were no longer able to claim social protection benefits because the child was no longer living with them. Could the delegation expand on what was being done to address the issue?

35. With regard to health care, the delegation was invited to explain what the Government was doing to ensure that all persons with disabilities received free medical services. In principle, free health care should be available to them at all hospitals, but there had been reports of service shortages in rural areas. The Committee would also like to know what level of resources had been invested in strengthening community-based rehabilitation services. What had the impact of those investments been? The development of community-based rehabilitation was an initiative that had been primarily driven by non-governmental organizations, so it would be interesting to understand the nature of the Government's involvement.

36. The Committee would like to know how many members of parliament had disabilities and would welcome further information on what affirmative action was being taken to ensure that persons with disabilities were represented in parliament. Lastly, it would be helpful to know how many families of persons with disabilities were currently benefitting from conditional and non-conditional cash transfers.

37. **The Chair**, noting with regret that mental health legislation in the State party provided for exceptions to be made to the rule on informed consent in a crisis, said that all systems of substituted decision-making were in conflict with the Convention. The Committee would like to know whether the State party would be prepared to look into the legislation in countries that were taking measures to abolish guardianship and substituted decision-making. The State party was also encouraged to consult the Committee's guidelines on the issue of discriminatory torture.

38. **Mr. Langvad** said he was concerned that the laws adopted by the State party to protect the rights of persons with disabilities were not having a real impact on their lives. For example, if a person suffered a spinal cord injury in the Philippines and needed to use equipment such as a ventilator, a respirator, a wheelchair or a catheter, would that person be obliged to stay in hospital or would the family, regardless of income level, have access to funding to purchase the necessary equipment and thus allow the person to continue living in the family home?

39. **Mr. Ruskus**, pointing out that a personal assistant service had been piloted by organizations for persons with disabilities in the Philippines, asked why that service had not received government support.

40. **Mr. Buntan** said that he was waiting to hear from the delegation about how the State party ensured that high quality Braille materials and information in other accessible formats were made available in technical and higher education. He had received reports indicating that deaf persons who had been victims of rape had not been provided with sign language services during court proceedings. How many such cases had there been, and had the State party taken any steps to address the issue?

41. The Committee would welcome clarifications as to whether persons with intellectual and/or psychosocial disabilities could be denied the right to vote because of limitations placed on their capacity to act. If so, it would be useful to know whether the Government intended to support those persons so that they could have their capacity to act restored. Lastly, given that a "no-rejection" policy had to be enforced in order to guarantee truly inclusive education, the Committee would like to know whether any measures were in place to ensure that all children with disabilities enjoyed full access to mainstream schools.

42. **Mr. Kim** Hyung Shik said that there had been reports of deaf children and children with disabilities being abused or even raped by their teachers and head teachers. He would welcome information from the delegation on what was being done to prevent the recurrence

of such incidents. An explanation would also be appreciated as to why no clear strategy appeared to be in place to promote and ensure a successful transition from institutional care to independent living for persons with disabilities. Moreover, how could the State party guarantee quality education for deaf children if there was no national sign language, and if teachers at deaf schools were not being encouraged to learn sign language?

43. It would also be helpful for the Committee to know whether a comprehensive approach was in place to incorporate the issues covered in the Convention into other disability-inclusive development initiatives in the country, for example, the national programmes to implement and monitor the Sustainable Development Goals. Furthermore, the Committee would appreciate further information on how and to what extent persons with disabilities and their organizations were involved in designing, implementing, managing and monitoring international aid projects or disability-inclusive projects.

The meeting was suspended at 11.40 a.m. and resumed at 12.15 p.m.

44. **Mr. Lee** (Philippines) said that his country did not currently provide information in the Easy Read format, but the issue would be raised with the Department of Information and Communication Technology as part of efforts to make more information available in accessible formats.

45. Regarding access to transport, deaf persons could obtain standard driving licences but could not currently apply for professional licences to drive public vehicles. Steps would nonetheless be taken to ensure that skilled and trained deaf drivers had access to all types of licence.

46. At present, there was no accredited body responsible for the certification of sign language interpreters. The harmonization of sign language use in the country was still a matter for debate in the deaf community, and agreement had yet to be reached on whether to adopt American Sign Language or Filipino Sign Language at the national level or to encourage deaf persons to learn sign language adapted to the mother tongue of their communities. Once that decision had been made, an entity would be created and given responsibility for certifying sign language interpreters.

47. **Mr. Mateo** (Philippines) said that, under the Enhanced Basic Education Act of 2013, which set out provisions for mother tongue-based multilingual education in the country, Filipino Sign Language had been adopted by the Department of Education as the first language for deaf schoolchildren in the country. Those students also learned to read and write in other languages. Furthermore, deaf students were taught basic knowledge of American Sign Language at school in order to prepare them for the world of work or higher education. Despite the absence of an official national sign language, the Department did continue to provide training for teachers in various sign languages while it awaited the approval of the Filipino Sign Language Law.

48. **Ms. Villar** (Philippines) said that support to parents of children with disabilities was provided by the community, civil society and organized parent groups, but the Government also organized and delivered support programmes and services. The Parent Effectiveness Service ran family development sessions to facilitate exchanges of ideas and information about children with disabilities and the role that parents could play in helping their children to flourish. A total of 216,516 households of persons with disabilities were currently receiving conditional cash transfers as part of a flagship human development programme introduced by the Government to improve access to health and education in disadvantaged households. According to a Department of Social Welfare and Development report, in 2017, the Government had provided disability benefits to support the education and health of 6,279 children with disabilities aged between 3 and 18.

49. **Mr. Lee** (Philippines), referring to the Committee's comments about children with disabilities from rural areas being sent to urban schools, said that the Government's policy was to work towards a fully inclusive education system. While children with disabilities were being sent to the urban schools that could best cater for their needs, teachers and school administrators all over the country were receiving training so as to ensure that, in the future, more schools would be equipped to accept children with disabilities.

50. **Mr. Mateo** (Philippines) said that, in addition to promoting inclusive education, the Department of Education continued to recognize special education centres. Funding for the centres had been increased in 2010 in order to upgrade the quality of special education programmes and services and improve access to them. The Department had set aside significant funding for the acquisition of textbooks and instruction materials for learners with special education needs. In that way, the Government recognized the contribution that special education could play in preparing students for inclusion in the mainstream school system and the community.

51. As far as the delegation was aware, the "no rejection" policy was indeed being implemented in the Philippines. A system of early school registration was conducted every January to ensure that all children were enrolled in public education. The delegation would therefore be thankful if the Committee could pass on details of any reports that it had received of children being rejected by schools.

52. **Ms. Cuevas** (Philippines) said that the Government had introduced measures, including a 20 per cent discount and value added tax exemption on purchases of health-care products, to improve health outcomes for persons with disabilities. The Filipino health insurance corporation provided health benefit packages for children with disabilities, comprising assessments by medical specialists and health professionals and support for rehabilitation therapy. Under the Newborn Screening Act of 2004, all newborns were screened for genetic, metabolic and infectious conditions to allow for early treatment and to avert the possible consequences, which included intellectual disabilities. Under the Mental Health Act improved services were to be guaranteed for persons with neurological disorders and developmental disabilities.

53. Lastly, community-based rehabilitation services were still mainly provided by non-governmental organizations. However, a number of Local Government Units were also now developing activities that area.

54. **Ms. Cabotaje** (Philippines) said that the President of the Philippines had established the transition to a system of universal health care as a priority for all citizens, including persons with disabilities. At present, free medication tended to be made available for inpatients, but access was more restricted for outpatients. A medical access programme had been introduced that provided treatments for psychosocial conditions, but it did not yet offer services for persons with intellectual disabilities. However, the President had initiated a new programme built around the opening of a number of medical centres located in government hospitals to serve as a one-stop shop for medicines and services for inpatients and outpatients, especially poor citizens and persons with disabilities. Owing to funding issues, the centres had only been opened in selected hospitals.

55. Regarding the use and availability of wheelchairs, the Department of Health had trained 76 wheelchair assessors, whose services were accessible to children with disabilities. Although no special benefits packages were available for adults, the Department had published guidelines on the use and customization of wheelchairs. The Department of Health was currently unable to provide catheters, ventilators or respirators to outpatients, as there was a shortage of equipment in the country's hospitals. It was hoped that the issue would be resolved with the help of the disability support fund.

56. **Mr. Cruz** (Philippines), referring to the Committee's questions regarding article 27, said that the laws on employment quotas had been amended in 2013. The legislation in force stated that at least 1 per cent of all positions in government agencies should be reserved for persons with disabilities and that private corporations with 100 or more employees were encouraged to follow suit. In August 2017, 7,250 out of 2.42 million public sector employees had been persons with disabilities. No up-to-date information was available on the number of persons with disabilities who had applied for positions in government agencies. With regard to the private sector, of the 4.38 million workers currently employed by companies with 20 or more employees, 3,504 had disabilities. Unfortunately, no data were available on companies with 100 or more employees. Since the adoption of the law known as the "Magna Carta for Persons with Disabilities" in 2013, the State had provided incentives to private companies by offering to cover 25 per cent of the wages of employees with disabilities.

57. Persons with disabilities were encouraged to attend job fairs that the Department of Labour and Employment ran jointly with local government offices and civil society organizations. At one such event in Quezon City in 2017, persons with disabilities had been able to take advantage of a wealth of specific employment services. The Department had registered 62 job applications from persons with disabilities, including 37 from persons who had the right qualifications and 4 from persons who were hired on the spot.

58. In 1995, the State had created an inter-agency committee on employment promotion, protection and rehabilitation for persons with disabilities. A field had been added to Philjobnet, an Internet-based job search engine, to allow people to search for job vacancies that were suitable for persons with disabilities. According to Department of Labour and Employment records, 266 companies had published job vacancies for persons with disabilities on Philjobnet, for positions such as call centre staff, food servers, computer programmers, technical writers, sales managers, IT specialists and accounting staff. The Department was now monitoring whether larger employers were complying with the 1 per cent quota, in order to boost the hiring of persons with disabilities.

59. **Mr. Calumpang Mariano** (Philippines) said that, although no data were currently available on the number of persons with disabilities employed in decision-making positions in the public sector, appropriate steps would be taken to record those data in the future. Since 2014, two memorandums had been sent to government agencies encouraging them to hire more persons with disabilities. The first memorandum, issued in 2014, called on the heads of all government agencies to comply with the 1 per cent policy, while a second memorandum in 2017 offered guidelines on administering civil service examinations for persons with disabilities.

60. **Ms. Orogo** (Philippines) said that the delegation would send the Committee written replies to the remaining questions in the following 24 hours.

61. **Mr. Ong** (Philippines), thanking the Committee for two days of constructive dialogue, said that the delegation had been paying close attention to the values and fundamental concerns that underpinned the Committee's interventions. The Government would endeavour to translate those values into tangible benefits for persons with disabilities. Monitoring mechanisms would be strengthened in order to guarantee an appropriate response to the Committee's concluding observations and recommendations, and relevant national forums would be organized with the participation of government agencies, civil society organizations and persons with disabilities. Every effort would be made to raise awareness of the Convention among all persons living in the country and to ensure that the dialogue served as a springboard to further advance the promotion, protection and fulfilment of the rights of persons with disabilities in the Philippines.

62. **Ms. Tandora-Armamento** (Commission on Human Rights, Philippines), commending the members of the delegation on their openness to the Committee's recommendations, said that it would be helpful if timelines could be set for concrete measures to deliver services in fulfilment of the Convention. She encouraged the Government to: establish an independent mechanism to monitor the implementation of the Convention; ensure that persons with disabilities actively participated in the drafting of the implementing regulations for the Mental Health Act; and to make funding available to allow persons with disabilities to be included in government processes and become partners in governance and development. Lastly, the Commission wished to recommend that the State party should pass the comprehensive anti-discrimination act and enact the pending bill on inclusive education for children and youth with special needs.

63. **The Chair**, thanking the delegation for the constructive dialogue, said that she hoped that the Committee's recommendations would help the State party in its implementation of the Convention.

The meeting rose at 1.00 p.m.